

HOUSE BILL REPORT

ESHB 1887

As Passed House:

March 11, 2009

Title: An act relating to diking districts.

Brief Description: Authorizing the annexation of contiguous territory outside of a diking district that receives services from the district.

Sponsors: House Committee on Local Government & Housing (originally sponsored by Representative Takko).

Brief History:

Committee Activity:

Local Government & Housing: 2/12/09, 2/16/09 [DPS].

Floor Activity

Passed House: 3/11/09, 97-0.

Brief Summary of Engrossed Substitute Bill

- Specifies procedures for a diking district to annex contiguous territory receiving services from the district.
- Exempts tribal trust lands and lands owned, managed, or leased by a federally recognized Indian tribe.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia, Springer, Upthegrove, White and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Short.

Staff: Sara del Moral (786-7291) and Thamas Osborn (786-7129)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Diking Districts.

A diking district (district) is charged with constructing and maintaining a system of dikes. Among other things, it has the authority to straighten, widen, and deepen waterways considered a flood threat. It may construct dikes, drains, ditches, and other infrastructure to reduce flood risk.

Annexation Procedures.

A district may annex contiguous territory employing the following methods:

- petition and election;
- resolution and election; and
- direct petition.

To use the petition and election method, a petition signed by at least 10 property owners in the proposed annexation area must be filed with the diking district board of commissioners (board). To use the resolution and election method, the board must adopt a resolution in favor of annexation.

In both of these cases, a referendum must be held to put the question to voters. For annexation to occur, a majority of voters must approve.

Under the direct petition method, annexation occurs if the owners of the majority of territory in the proposed annexation area sign a petition requesting annexation and the board approves.

Summary of Engrossed Substitute Bill:

With certain exemptions, a new annexation method is provided for diking districts. The board must meet a number of specific requirements to annex contiguous territory that receives services from the district. It must:

- adopt a resolution meeting certain specifications;
- notify residents and property owners via notice in a newspaper and via mail;
- hold a public hearing; and
- recommend the annexation to the county legislative authority.

The county legislative authority must then hold a public hearing on the proposal as follows:

- It must notify all property owners in the annexation area by mail.
- Notice must be mailed 21 to 28 days before the hearing.

After the hearing, the county legislative authority may either:

- reject the proposal; or
- approve or modify the proposal and adopt it by ordinance.

Contiguous Territory.

Territory is considered contiguous to the district territory if it is bounded by the same river, lake, or other body of water that bounds the district territory.

Exemptions.

Tribal trust lands and lands owned, managed, or leased by a federally recognized Indian tribe may not be annexed under this method.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Some districts have had trouble getting bidders. Changes in the bill would make this process easier.

Currently, some districts serve areas outside district boundaries. Property owners in these areas do not pay assessments, and they have no incentive to vote or petition to be annexed and start paying. The bill changes annexation procedures so that territory may be annexed without a referendum or a petition from property owners. Districts need to be able to annex the areas they serve.

(Opposed) None.

Persons Testifying: Representative Takko, prime sponsor; and Kenneth Stone, Cowlitz County.

Persons Signed In To Testify But Not Testifying: None.